

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN M. WHISENANT,

Defendant.

CASE NO. 2:23-cr-00138-LK

ORDER CONTINUING TRIAL
AND PRETRIAL MOTIONS
DEADLINE

This matter comes before the Court on the Defendant John M. Whisenant's Unopposed Motion to Continue Trial and Pretrial Motions Deadline. Dkt. No. 21. Mr. Whisenant moves to continue the trial date from October 30, 2023 to May 6, 2024, and to continue the pretrial motions deadline to March 25, 2024. *Id.* at 1. The Government does not oppose Mr. Whisenant's motion. *Id.*

On August 18, 2023, Mr. Whisenant made an initial appearance in this district before United States Magistrate Judge S. Kate Vaughan after being arrested on a complaint in the District of Arizona. Dkt. Nos. 1, 11. On August 23, 2023, a federal grand jury indicted Mr. Whisenant with five counts of wire fraud in violation of 18 U.S.C. § 1343. Dkt. No. 13 at 4. He

1 pleaded not guilty to the charges at his August 31, 2023 arraignment and remains on bond with
2 special conditions. Dkt. Nos. 11–12, 15, 19. Counsel for Mr. Whisenant represents that additional
3 time is required to review the discovery and effectively prepare for trial given that “[t]he initial
4 discovery provided by the Government is nearly 8,000 pages, consisting of voluminous financial
5 records which require significant time to analyze.” Dkt. No. 21 at 2. In addition, Mr. Whisenant
6 may need to hire an expert “for further analysis” and also states that his counsel “has been engaged
7 in a multi-week jury trial to date.” *Id.* Mr. Whisenant has filed a speedy trial waiver “knowingly,
8 and with advice of counsel,” waiving his right to a speedy trial through June 6, 2024. Dkt. No. 22
9 at 1.

10 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
11 granting a continuance outweigh the best interest of the public and Mr. Whisenant in any speedier
12 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
13 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
14 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
15 more time to obtain and review discovery, consider pretrial motions and defenses, consult with
16 Mr. Whisenant, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that
17 the additional time requested is a reasonable period of delay and will be necessary to provide
18 counsel and Mr. Whisenant reasonable time to accomplish the above tasks.

19 For these reasons, the Court GRANTS Mr. Whisenant’s motion, Dkt. No. 21, and
20 ORDERS that the trial date for Mr. Whisenant shall be continued from October 30, 2023 to May
21 6, 2024, and that the pretrial motions deadline shall be continued to March 25, 2024. It is further
22 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date

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1 of this Order to the new trial date is EXCLUDED when computing the time within which Mr.
2 Whisenant's trial must commence under the Speedy Trial Act.

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4 Dated this 15th day of September, 2023.

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Lauren King
7 United States District Judge
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